#### ARTICLE 5 LAND USE PERMIT AND REZONING APPROVAL STANDARDS

### DIVISION 1 GENERAL STANDARDS

### Section 5.100 Approval Standards for Land Use Permits and Rezonings

This Article includes the approval standards that will be applied by the County in its decisions to approve, approve with conditions or deny requests for Land Use Permits and Rezonings. Refer to Article 3 for the review and approval procedures that apply to Land Use Permit and Rezoning requests.

- A. **General Approval Standards.** The following general approval standards shall apply to *all* uses that require a Land Use Permit except uses subject to review and approval under Community Overlay District standards.
  - 1. **Property rights.** The applicant can and will obtain all necessary property rights, permits and approvals necessary to conduct the activity.
  - 2. **Comprehensive Plan and Intergovernmental Agreements.** The use is consistent with relevant provisions of the Costilla County Comprehensive Plan and any intergovernmental agreement between the County and a municipality that applies to the area where the use will occur.

## 3. **Mobile Home.**

- a. Mobile Homes manufactured prior to 1976 are prohibited in unincorporated Costilla County.
- b. Applicant has applied for a Hook-up Permit in compliance with the provisions of Section 8.300.
- c. Mobile Home will be located in compliance with the provisions of this Code.
- 4. **Manufactured Home**. Construction shall be in compliance with applicable industry standards and the structure will be safe and habitable.
- 3. **Water and Wastewater.** The use shall be served by water and wastewater systems that have been deemed adequate to serve the activity by the Colorado Department of Public Health and the Environment.
  - a. Central water and sewer will be required for residential developments consisting of twenty (20) or more dwelling units.

- b. Individual sewage disposal systems (e.g. septic systems) will not be allowed on parcels less than one acre in size.
- 4. **Risk from Natural Hazards.** The use is not subject to significant risk from natural hazards.
- 5. **Utilities**. Public utilities shall be available to serve the use.
- 6. **Access and Roadways**. Access to and from the use shall be safe and in conformance with applicable County access standards. Roads serving the proposed use have the capacity to accept the additional traffic generated by the use safely and efficiently.
- 7. **Compatibility**. The nature, scale, and intensity of the use are compatible with adjacent land uses and will not result in an adverse impact to adjacent land. The County is authorized to impose conditions on any land use permit that are necessary to mitigate potential adverse impacts to adjacent uses.
- **8. Water Quality Protection**. The use shall not cause significant degradation of the quality of surface or groundwater resources.
- 9. **Visual Impacts**. The use shall preserve views and vistas, construction on ridgelines that are visible from major roadways or residential development shall be prohibited, and the design of the activity shall be compatible with the surrounding natural environment.
- **10. Wildlife**. The use shall not be located in significant wildlife habitat areas as defined by the Colorado Division of Wildlife unless the applicant demonstrates that there is no viable alternative location. Where the activity must be located in significant wild life habitat areas, the applicant shall implement all mitigation recommended by the Division of Wildlife and the County.
- B. **Limited Impact Use and Special Review Use Standards.** In addition to the General Approval Standards in Section 5.100A, the following standards shall apply to all uses subject to Limited Impact Review and Special Review.
  - 1. **Service Delivery System Capacity**. The use shall not have a significant adverse effect on the capability of local government to provide services or exceed the capacity of service delivery systems.
  - 2. **Air Quality**. The use shall not cause air quality to be reduced below levels established by the Colorado Air Pollution Control Division.
  - 3. **Nuisances**. The use shall not cause a nuisance as defined within this Code.

- 4. **Important Areas**. The use shall not significantly degrade areas of paleontological, historic, or archaeological importance.
- 5. **Recreation Impacts**. The use shall not have a significant adverse effect on the quality or quantity of recreational opportunities and experience within the County, including but not limited to hunting, fishing, hiking, and similar recreational activities.
- 6. **Traffic.** The use shall not cause traffic congestion or unsafe traffic conditions and all impacts to the roadway system shall be mitigated through roadway improvements or impact fees, or both.
- 7. **Erosion**. Erosion and sedimentation control measures shall be implemented that ensure that disturbed areas and soil stockpiles are stabilized. Disturbed areas must be revegetated within one growing season pursuant to an approved vegetation plan.
- 8. **Stormwater Run-off**. Run-off shall be kept on the site in a stormwater detention system approved by the County, and waters in excess of historic run-off shall be prevented from leaving the site during construction and after site development.
- C. **Rezoning Standards.** In addition to the General Approval Standards set forth in Section 5.100A, the following additional standards shall apply to rezoning requests.
  - 1. **No Spot Zoning**. The proposed rezoning would result in a logical and orderly development pattern and not constitute spot zoning.
  - 2. **Change in area**. The area to which the proposed rezoning would apply has changed or is changing to such a degree that it is in the public interest to encourage a new use or density in the area.
  - 3. **Demonstrated community need**. The proposed rezoning addresses a demonstrated community need with respect to facilities, services or housing.
- D. **Standards for Single Family Dwellings in Certified Subdivisions**. A single family dwelling to be constructed on an established lot in a Certified Subdivision shall be presumed to have complied with the standards set forth in Section 5.100 if it complies with approval criteria established by a Certified Subdivision.

### Section 5.110 Additional Standards for Certain Types of Uses

- A. Additional Standards Applicable to Commercial and Industrial Uses. In addition to the General Approval Standards set forth in Section 5.100A and relevant Limited Impact/Special Review Standards set forth in Section 5.100B, the following additional standards shall apply to Commercial and Industrial Uses.
  - 1. **Storage areas.** Storage areas shall be screened from view by fencing or landscaping.
  - 2. **Objectionable Emissions.** Dust, odors, gas, fumes, and glare shall not be emitted at levels that are objectionable to adjacent property.
  - 3. **Noise.** Noise as measured at the property boundary shall not exceed state noise standards and shall be buffered by landscaping or other screening devices.
  - 4. **Lighting.** Exterior lighting shall be designed in compliance with the general lighting standards adopted by the County.
  - 5. **Hours of operation.** Hours of operation shall be established to minimize impacts to adjacent land uses.
  - 6. **Roadway System.** Impacts to the County roadway system associated with hauling, truck traffic and equipment use shall be mitigated through roadway improvements or impact fees, or both.
- B. Additional Standards Applicable to Mining Uses. In addition to the General Approval Standards set forth in Section 5.100.A, relevant Limited Impact/Special Review Standards set forth in Section 5.100.B, and Commercial/Industrial Use Standards set forth in Section 5.110, the following additional standards shall apply to Mining Uses.
  - 1. **Reclamation Plan**. Applicant shall demonstrate compliance with the plan of reclamation approved by the Colorado Mined Land Reclamation Board.
  - 2. **Compliance with Regulations**. The proposed mining activity shall be designed and operated in compliance with all applicable laws, regulations and permit requirements of the County, state and federal governments.
  - 3. **Haul Roads**. Location and timing of use of haul roads shall avoid residential areas and environmentally sensitive areas to the extent practicable.
  - 4. **Impact on Population Centers**. The proposed mining activity shall not be located within one-half (1/2) mile of any existing residential structures or in an area of proposed or planned future population growth.

- 5. **Emergency Preparedness.** The site operator shall notify the County Sheriff's Department of any emergency situation within one hour of its occurrence and provide a written report on the occurrence with one day of its inception.
- 6. **Waterbody, Setbacks**. The mining activity shall be set back five hundred (500) feet from any stream or waterbody. A waiver of this requirement may be granted by the Board of County Commissioners if the applicant can demonstrate that a lesser setback will not cause any degradation of water quality and if a monitoring plan for water quality is put in place. Any identification of degradation of water quality shall be deemed a violation of the Land Use Permit and shall result in immediate suspension of the permit.
- 7. **Odor and Dust**. Odor and dust shall be mitigated so that there is no adverse impact to adjacent property.
- 8. **Use of Cyanide Ore-processing Reagents Prohibited**. Open mining, including open-cut and open-pit mining, for gold and silver utilizing heap or vat leaching with cyanide ore-processing reagents is prohibited.
- C. Additional Standards Applicable to Public Utilities. In addition to the General Approval Standards set forth in Section 5.100.A, and relevant limited Impact/Special Review Standards set forth in Section 5.100.B, the following additional standards shall apply to facilities of a Public Utility:
  - 1. **Major Electric or Natural Gas Facility Special Requirements.** The following special requirements are imposed by state law, and shall apply to applications for a Land Use Permit for a Major Electrical or Natural Gas Facility.
    - Notice. A public utility or power authority shall notify the Land Use a. Administrator of its plans to site a Major Electrical or Natural Gas Facility prior to submitting the permit application, but in no event later than filing a request for a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or the filing of any annual filing with the public utilities commission that proposes or recognizes the need for construction of a new facility or the extension of an existing facility. If a public utility or power authority is not required to obtain a certificate of public convenience and necessity pursuant to Article 5 of Title 40, C.R.S., or file annually with the public utilities commission to notify the public utilities commission of proposed construction of a new facility or the extension of an existing facility, then the public utility or power authority shall notify the County of its intention to site a Major Electrical or Natural Gas Facility when such utility or authority determines that it intends to proceed to permit and construct the facility. During the pre-application meeting, the public utility or power authority shall consult with the Land Use Administrator to identify the specific routes or geographic locations

- under consideration and attempt to resolve land use issues that may arise from the contemplated permit application.
- b. <u>Alternatives Analysis</u>. In addition to the alternative described within its permit application, the public utility or power authority shall consider and present reasonable siting and design alternatives to the local government or explain why no reasonable alternatives are available.
- c. Action on Application for Major Electrical and Natural Gas Facilities.

  Within ninety (90) days after submission of a completed application for a Major Electrical or Natural Gas, the County shall decide whether to approve, approve with conditions or deny the application. If the County does not take final action within such time, the application shall be deemed approved. Nothing in these provisions shall be construed to supersede any timeline set by agreement between the County and a public utility or power authority applying for a Land Use Permit for Major Electrical or Natural Gas Facilities.
- d. Appeal of Denial of Application for Major Electrical or Natural Gas

  Facility. If the County denies a permit or application of a public utility or
  power authority that relates to the location, construction, or improvement
  of Major Electrical or Natural Gas Facilities, or if the County imposes
  requirements or conditions upon such permit or application that will
  unreasonably impair the ability of the public utility or power authority to
  provide safe, reliable, and economical service to the public, the public
  utility or power authority may appeal the County action to the public
  utilities commission for a determination under Section 40-4-102, C.R.S.,
  so long as one or more of the following conditions exist:
  - (1) The public utility or power authority has applied for or has obtained a certificate of public convenience and necessity from the public utilities commission pursuant to Section 40-5-101, C.R.S., to construct the major electrical or natural gas facility that is the subject of the local government action;
  - (2) A certificate of public convenience and necessity is not required for the public utility or power authority to construct the major electrical or natural gas facility that is the subject of the local government action; or
  - (3) The public utilities commission has previously entered an order pursuant Section 40-4-102, C.R.S., that conflicts with the local government action.

- 2. **Disruption of Services Avoided.** Areas around facilities of a public utility shall be administered so as to minimize disruption of the service provided by the public utility.
- 3. **Community Patterns.** Areas around major facilities of a public utility shall be administered so as to preserve desirable existing community patterns.
- 4. **Comprehensive Plans.** Where feasible, major facilities of a public utility shall be located so as to avoid direct conflict with adopted local, state and regional master plans.
- 5. **Underground location.** Utilities shall be located underground unless geologic conditions prevent underground installation. Where utilities are installed underground, they shall be located in the right-of-way at a depth of at least twenty-four (24) inches.
- 6. **Restoration.** Any disturbed portion of the right of way shall be restored as nearly as possible to the condition as existing immediately prior to the Company's installation. Back filling shall be made in six-inch lifts, mechanically tamped and packed, and the last twelve (12) inches shall be crushed rock or gravel. Trench shall be left open until the Road Supervisor and/or Code Enforcement Officer inspect installation.
- 7. **Safety.** Safety measures shall be implemented in accordance with state and federal requirements to protect the public from harm during utility construction, improvements, location or relocation.
- 8. **Roadway crossing.** When the installation exceeds three inches in diameter and crosses a roadway, it shall be located as perpendicular to the roadway as physically possible and installed by boring or jacking beneath the road surface.
- 9. **Cuts.** Open cuts across a roadway will be allowed, subject to conditions imposed by the County, only if in the opinion of the County, boring is not possible. Where a cut is allowed, it shall be filled with gravel compacted in 5-inch lifts to a density of ninety-five (95) percent of surrounding soils. Any compaction tests shall be conducted by the County at the expense of the applicant.
- 10. **As-built drawings.** As-build drawings shall be provided to the County once the installation has been completed.
- 11. **Notice to Proceed.** No work associated with the installation of utilities shall commence until a permit and notice to proceed with installation have been granted by the County.
- D. Additional Standards Applicable to Telecommunications Facilities. In addition to the General Approval Standards set forth in Section 5.100.A and relevant Limited Impact/Special

Review Standards set forth in Section 5.100.B, the following standards shall apply to Telecommunications Facilities.

- 1. **Telecommunications Act.** All telecommunications facilities shall comply with the standards of this Code, all applicable standards of the Federal Telecommunications Act of 1996, and all applicable requirements of the Federal Aviation Administration (FAA).
- 2. **Residential Setbacks.** Telecommunications facilities and towers shall be set back from all residentially zoned or used property by a minimum of two hundred (200) feet, or two hundred (200) percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunications facilities or tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the County may reduce any such setback by up to twenty-five (25) percent only if such reduction is necessary to reduce the visual impact of the tower.
- 3. **Setback from the property line.** All telecommunication facilities and transmission towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio (two (2) feet of setback for every foot of tower height from the property boundary of the facility) which ever is greater.
- 4. **Monopole Tower Separation.** Monopole tower structures shall be separated from all other transmission towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred and fifty (750) feet.
- 5. **Telecommunications Facility Support Structures.** Telecommunications facility support structures shall not exceed the minimum height necessary to ensure effective telecommunications service within the relevant market area. All telecommunications facility support structures shall be screened or painted to minimize their visibility.
- 6. **Self-supporting Latticed or Guyed Transmission Towers.** Self-supporting lattice or guyed transmission towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of one thousand five hundred (1,500) feet.
- 7. **Shared Facilities**. Shared use/co-location of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own shall be utilized wherever possible.
- 8. **New Towers and Facilities.** No new transmission tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the County that no existing tower, structure or utility facility can be used by the applicant. To

gain approval to construct a new transmission tower or facility, the applicant must demonstrate that:

- a. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements; or
- b. No existing transmission tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment; or
- c. The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or the antennas of existing transmission towers, facilities or utility structures or that such existing facilities would interfere with the applicant's uses such that co-location is not possible; or
- d. No owner of existing towers, structures or utility structures, within a distance that meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon.
- 9. **Structural and Engineering Standards**. The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
- 10. **Interference.** Every transmission tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.
- 11. **Health Standards**. Transmission towers and telecommunication facilities shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
- Public and Utility Structures. Transmission towers or telecommunication facilities mounted on existing structures of public utilities that have a franchise or other written permission from the County and use concealed transmission towers and telecommunication facilities are permitted in all non-residential zoning districts, unless otherwise specified by this Code. The County may approve the placement, extension or replacement of a transmission tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same; the County may waive public notice and other submittal requirement if the Land Use Administrator believes that the public interest will not be harmed by such a waiver

- Design, Materials and Color. Transmission towers and telecommunication facilities shall be designed and maintained to minimize visual impact; carry gravity and wind loads required by law; and shall use concealment or stealth methods, such as camouflaging transmission Towers to look like light poles or trees. At a minimum, the transmission towers and facilities shall meet the following design standards:
  - a. Architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape.
  - b. Located on existing vertical infrastructure such as utility poles and public building or utility structures.
  - c. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building.
  - d. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building unless expressly approved by the County.
  - e. Located in areas where the existing topography, vegetation, buildings or other structures provide screening.
- 14. **Landscaping and Screening.** The property on which a telecommunication facility or tower is located shall be landscaped and screened, in accordance with the following standards:
  - a. A free-standing transmission tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the County.
  - b. A freestanding transmission tower or telecommunication facility shall be surrounded by a six (6) foot high wall or fence or other suitable buffer yard. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.
- 15. **Lighting and Signage**. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.
- 16. Exterior Transmission Tower or Telecommunication Facility Equipment Building(s) or Cabinet(s). Exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall not contain more than four hundred

- (400) square feet of gross floor area, shall not be more than twelve (12) feet in height, and shall maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
- 17. **Modification or Demolition.** Any transmission tower or telecommunications facility being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.
- 18. **Maintenance.** Every owner of a transmission tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations, and in such a manner that will not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.
- 19. **Review.** Each new tower or facility will be subject to a two (2)-year review by the Land Use Administrator. The review will determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.
- 20. **Abandonment**. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities which are not in use for any six (6)-month period, within three (3) months of the end of such six (6) month abandonment. As a part of such removal, the owner shall re-vegetate the site so that it is compatible with the neighborhood. The Board of County Commissioners shall only determine abandonment after the owner has had notice and an opportunity to be heard.
- 21. **Federal Aviation Agency ("FAA") Form.** The applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration, except that such form shall not be required for the following:
  - a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae.
  - b. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this Code.
  - c. Any emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities.
  - d. Any antennae used for Federal Communications Commission (FCC) licensees engaged in AM, FM or television broadcasting.

- E. Additional Criteria Applicable to Solid Waste Disposal Sites. In addition to the General Approval Standards set forth in Section 5.100.A, relevant Limited Impact/Special Review Standards set forth in Section 5.100.B, and Commercial/Industrial Standards set forth in Section 5.110, the following additional standards shall apply to solid waste disposal sites:
  - 1. **Recycling and Conservation.** Solid waste disposal sites shall be developed in accordance with sound conservation practices and shall emphasize, where feasible, the recycling of waste materials.
  - 2. **Certificate of Designation.** Solid waste disposal sites shall comply with state laws and regulations applicable to Solid Waste Disposal Sites and shall receive a Certificate of Designation from the County in accordance with state requirements.
- F. Additional Standards Applicable to Major Timbering. In addition to the General Approval Standards set forth in Section 5.100.A, and relevant Limited Impact/Special Review Standards that are set forth in Section 5.100.B, the following additional criteria shall apply to major timbering activities.
  - 1. **Timbering Management Plan.** Tree removal and restoration shall be in accordance with a timbering management plan approved by the County. At a minimum, implementation of the timbering management plan shall ensure that areas are revegetated, mature seed trees are left in all timbered areas, wind and erosion are mitigated, remaining trees are not destabilized and that the timbering conforms to general standards of sound silviculture such as those employed by the U.S.D.A. or other state or federal agencies with specific expertise in forestry management.
  - 2. **Setbacks.** No timbering shall be allowed within 1000 feet of any public park, public building or area of historic or archaeological significance.
  - 3. **Hours.** Hours of timbering and timber hauling on County roads shall be 7:00 A.M. until 7:00 P.M. unless other hours are approved by the County after determining that such other hours shall comply with the intent of this Land Use Code.
  - 4. **Road location.** Road building shall be prohibited in areas of greater than 3:1 slope or unstable soils.

# Section 5.120 Standards Within Overlay Districts

A. Additional Standards Applicable Within Watershed Protection Overlay. In addition to any other relevant standards that may apply, the following standards shall apply to *all* uses in the Watershed Protection Overlay District.

- 1. **Performance Guaranty.** In addition to any other security that may be required, a performance guaranty letter of credit or other security in a form acceptable to the permit authority shall be posted before any permit is issued in an amount sufficient to cover the full cost of restoring or mitigating any negative impacts to the watershed or aquatic environment caused during construction. The security shall be released upon a finding by the permit authority that: (i) construction is completed; and, (ii) the post-construction watershed or aquatic environment is restored to the same quality as pre-construction conditions.
- 2. **Increase in Pollution Prohibited.** All non-point and point sources of pollutants caused or associated with the activity shall not result in any measurable increase in pollution, as measured at the point of compliance established by the County, over the existing water quality in any waterbody affected by the activity.
- 3. **Drainage Alterations.** Any alteration to water drainage courses shall be prohibited that increases or decreases rates of stream flow, increases sediment deposition, causes erosion to stream banks, result in increases or decreases of temperature, or otherwise causes injury to the aquatic environment. Impervious areas are prohibited within seventy-five (75) feet of intermittent streams and one hundred (100) feet of perennial streams.
- 4. **Timbering.** Any timber harvesting, other than to clear trees for structures, roads or driveways, or to protect the health of the forest ecosystem, shall be prohibited.
- 5. **Damage to Waterworks Prohibited.** Any activity causing impairment or damage to publicly-owned waterworks shall be prohibited.
- 6. **Construction in Waterbodies Prohibited**. Construction, other than permitted streambank reinforcement or repair, water diversion placement or repair, or stream crossings, within any waters in the watershed district shall be prohibited.
- 7. **Storage of Hazardous Materials Prohibited**. No pesticides, petroleum products, or other substances that have the potential to degrade water quality, shall be stored within one hundred (100) horizontal feet of any waterbody. No sand and salt for road de-icing shall be stored within one hundred (100) horizontal feet of any waterbody. Open storage of fertilizers within one hundred (100) horizontal feet of the waterbody is also prohibited.
- B. Additional Standards Applicable Within Floodplain Overlay. In addition to any other relevant standards that may apply, the following standards shall apply to all uses in the Floodplain Overlay District.
  - 1. **Water Supply Systems**. New and replacement water supply systems within floodplain overlay areas shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- 2. **Sanitary Sewage Systems**. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; on-site sanitary waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- 3. **Service Facilities**. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4. **Minimize Flood Damage**. All new construction and improvements shall be constructed by methods and practices that minimize flood damage, and using materials and utility equipment resistant to flood damage.
- 5. **New Construction Anchored**. All new construction and improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and be capable of resisting the hydrostatic and hydrodynamic loads.
- 6. **Cumulative Effect**. The cumulative effect of any proposed development, when combined with all other existing and anticipated development shall not increase the water surface elevation of the base flood more than one foot at any point.
- 7. **Uses Prohibited in Floodway**. Storage or processing of materials that may create a hazard during a flood, solid waste disposal sites, wastewater treatment systems, and residential development of any kind shall be prohibited within the floodway.
- 8. **Design Standards**. New construction and improvements of any residential structure shall have the lowest floor, including basement, two (2) feet above the base flood elevation. New construction and improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated two (2) feet above the base flood elevation or, together with attendant utility and sanitary facilities shall:
  - a. Be flood-proofed so that below the base flood elevation the structure is water tight with walls impermeable to the passage of water.
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Administrator.

- 9. **No Danger**. The proposed development shall not cause danger to persons upstream, downstream and in the immediate vicinity.
- 10. **No Change in Flood-Carrying Capacity**. Maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.